

**REMARKS**

Claims 1-6 are pending in this application. By this Amendment, claim 1 is amended.

No new matter is added.

**I. Personal Interview**

The courtesies extended to Applicants' representative by Examiner Mullins at the interview held October 19, 2004, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

**II. Information Disclosure Statement**

The Office Action indicates that all but one of the foreign references and non-patent literature have not been considered since there are no legible copies. Applicants submit that all of the foreign references and non-patent literature submitted on the December 12, 2003 Information Disclosure Statement were previously considered in U.S. Patent Application No. 09/842,915 of which this application is a continuation. All of the foreign references and non-patent literature were indicated as considered on August 23, 2002, except for disclosed reference JP 0881742 which was considered on February 28, 2003. Accordingly, Applicant submits that submission of the foreign references and non-patent literature is not necessary as all of the references have been previously submitted and considered in U.S. Patent Application No. 09/842,915. Thus, under 37 CFR §1.98(d)(1) another copy is not required.

**III. Claim Rejections Under 35 U.S.C. §102(e)**

The Office Action rejects claims 1-15 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,710,501 to Kusumoto. The rejection is respectfully traversed.

The U.S. filing date of Kusumoto is May 17, 2000, which date is prior to the publication date of JP 2000-127226 filed on April 27, 2000 from which this application claims priority. An acknowledgement is made of Applicant's claim for priority in this Office

Action. Additionally, as a certified English translation of the priority document was submitted to the U.S. Patent and Trademark Office on January 17, 2003, Applicant submits that Kusumoto is not available as prior art. A courtesy copy of the English language translation of the priority document is attached hereto. Accordingly, Applicant respectfully requests the rejection of claim 1 under 35 U.S.C. §102(e) be withdrawn.

Claims 1-5 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,979,618 to Auinger. The rejection is respectfully traversed.

Applicant asserts that Auinger does not disclose each and every feature recited in the rejected claims, as amended. For example, Auinger does not disclose a stator of a rotary electric machine, comprising *inter alia* . . . the accommodated portions of each phase winding are accommodated in slots that are spaced apart at equal pitches, and the number of the accommodated portions accommodated in each slot is the same.

The Office Action alleges that Auinger teaches a stator of a rotor electric machine comprising a stator core (not numbered) having a plurality of slots (not numbered) and a poly phase winding. Applicant submits that as clearly shown in the figures of Auinger, that the applied reference does not disclose the additional features recited in the claims as amended. For example, Auinger clearly shows a varying number of windings in the slots. See, for example, Figs. 2c' and 2d'. Accordingly, Applicant respectfully requests the rejection of claims 1-5 under 35 U.S.C. §102(b) be withdrawn.

**IV. Claim Rejection Under 35 U.S.C. §103**

Claim 6 is rejected under 35 U.S.C. §103(a) as unpatentable over Auinger. The rejection is respectfully traversed.

Applicant asserts that claim 6 is allowable for at least its dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

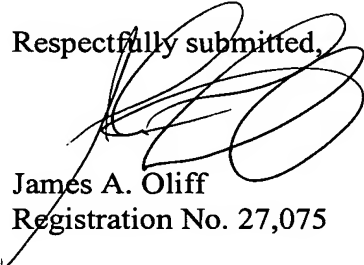
Furthermore, as the Office Action admits that Auinger does not disclose the additional feature recited in claim 6, Applicant requests the rejection of claim 6 be withdrawn.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JWF/ldg

Attachment:  
Priority Statement (English translation)

Date: October 20, 2004

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